

REMARKS

The foregoing amendments and these remarks are in response to the Office Action dated July 18, 2008. Applicant respectfully requests a request for a two-month extension of time and authorization to charge Deposit Account No. 50-0951 for the appropriate fees.

At the time of the Office Action, claims 1-15 were pending in the application. Claim 12 has been withdrawn from consideration. Claims 7 and 13 were rejected under 35 U.S.C. §112, second paragraph. Claims 1-7, 11 and 14 were rejected under 35 U.S.C. §102(b). Claims 8-10 and 15 were rejected under 35 U.S.C. §103(a). The rejections are discussed in more detail below.

I. Claim Rejections under 35 U.S.C. §112

Claims 7 and 13 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. With regard to claim 7, applicants believe that the term "particulate size," which is also known as "particle size" is well known in the art, and is generally taken to mean "diameter." As particulate materials such as those used in the present application do not have regular shapes, it is generally not appropriate to specify length, width, or diameter but rather to give one measure for the size of the particulate material. See, for example, [http://en.wikipedia.org/wiki/Particle_size_\(grain_size\)](http://en.wikipedia.org/wiki/Particle_size_(grain_size)), a copy of which is attached as an Appendix hereto. It is thus not believed necessary to amend this claim. With regard to claim 13 (and new claim 21), an appropriate correction is presented herein, based upon the teaching of page 6, lines 6-7, and page 6, lines 10-11, which refer to a "partial compression" and a slight mixing, thus confirming that the compression is made to, for example, 99% of its original size rather than by 99%. Withdrawal of the rejections is thus respectfully requested.

II. Rejections on Art

Claims 1-7, 11 and 14 were rejected under 35 U.S.C. §102(b) as being anticipated by European Patent No. 0294261 to Kalbskopf (hereafter "*Kalbskopf*"). Claim 15 was rejected under 35 U.S.C. §103(a) as being unpatentable over *Kalbskopf*. Claim 8 was rejected under 35 U.S.C. §103(a) as being unpatentable over *Kalbskopf* in view of U.S. Patent No. 6,615,537 to Tonkin et

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al.. Claims 9 and 10 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Kalbskopf* in view of U.S. Patent No. 4,972,627 to *Hori* et al. ("*Hori*").

Applicant has amended the claims herein to incorporate the teachings of both claims 9 and 10 into claim 1, such that the claim recites that a shaping treatment is carried out upon layers of the material – either by folding the first layer of the material containing base material plus binding agent over the second layer containing just base material, or by placing the second layer between the first and a third layer of base material plus binding material. In this way, claim 1 is limited to the situation where the base material is surrounded by a layer of the base material + binding agent combination.

Applicant believes that neither *Kalbskopf* nor *Hori* teach an arrangement similar to amended claim 1 in which the polymer binding material is bonded in the first (and third, if used) layers, and the base material extends throughout the first and second (and third, if used) layers.

Kalbskopf does not teach the use of layers at all, but instead teaches a shaped article which is made of a mixture comprising carrier fibers. Furthermore, *Kalbskopf* does not use a particulate material but rather fibers which are said to aid in the binding of the material such that no special drying is required afterwards (see column 2, lines 16-19). *Kalbskopf* also teaches the use of a synthetic binding material, such as polyethylene, not a biologically degradable binding agent..

Hori teaches the use of a sheet material for cultivating plants, that may be rolled up. The statement in the Office Action on paragraph 23 of the Office Action that *Hori* teaches "multiple layers of base material wrapped around one another" appears to misunderstand the purpose of the present claims, because *Hori* teaches that a single material is rolled up rather than that different materials (that is, one layer comprising base material alone, and a second layer comprising base material + binding agent) are layered together. The embodiment shown in Figs. 14 and 15 of *Hori* teaches applying patches of a completely different material (such as a fertilizer) onto the substrate, but in nowhere does it suggest that the fertilizer is completely surrounded by the substrate which is fluidised to substantially solidify a binding agent. The fluidization of the binder in the present claims must extend at least a small way into the central layer of base material only, in order to bond the first and second (and third, if used) layers. This arrangement is not taught or suggested in the cited prior art.

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Claim 1 is thus believed to relate to patentable subject matter, and to be in condition for allowance. The dependent claims are also believed allowable because of their dependence upon an allowable base claim, and because of the further features recited.

III. Conclusion

Applicants have made every effort to present claims which distinguish over the prior art, and it is thus believed that all claims are in condition for allowance. Nevertheless, Applicants invite the Examiner to call the undersigned if it is believed that a telephonic interview would expedite the prosecution of the application to an allowance. In view of the foregoing remarks, Applicants respectfully request reconsideration and prompt allowance of the pending claims.

Respectfully submitted,

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